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Darren Gilbert

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DARREN GILBERT,

Plaintiff,

vs.

XIPING ZHAO dba PACIFIC MARKET, et
al.;

Defendants.

No. 1:22-cv-00320-JLT-BAM

**SECOND STIPULATION FOR
CONTINUANCE OF MANDATORY
SCHEDULING CONFERENCE;
[PROPOSED] ORDER**

Date: August 30, 2022

Time: 9:30 a.m.

Courtroom: 8

Magistrate Judge Barbara A. McAuliffe

WHEREAS, a Mandatory Scheduling Conference in this matter was continued once previously and is currently scheduled for August 30, 2022 at 9:30 a.m. (Dkt. 8);

WHEREAS, Plaintiff Darren Gilbert (“Plaintiff”), and Defendants, Xiping Zhao dba Pacific Market, Gui Shuang Zhu dba Pacific Market, and Chet Cummins (collectively “Defendants,” and together with Plaintiff, “the Parties”), had previously stipulated to continue the Mandatory Scheduling Conference to allow them to exhaust settlement efforts, at which time Plaintiff had duly noticed an inspection of the subject property which was expected to take place on June 22, 2022 (Dkt. 7);

WHEREAS, Plaintiff’s inspection was continued twice at Defendants’ request, first to August 11, 2022, and then to August 18, 2022;

STIPULATION FOR CONTINUANCE OF MANDATORY SCHEDULING CONFERENCE;
[PROPOSED] ORDER

1 **WHEREAS**, after receiving his Certified Access Specialist consultant's written
2 findings from the inspection, Plaintiff will make a barrier removal proposal to Defendants for
3 the purpose of resolving his claims for injunctive relief;

4 **WHEREAS**, the Parties wish to conserve time and resources which would otherwise
5 be spent preparing for and attending the scheduling conference, and instead focus their
6 resources toward settlement;

7 **NOW, THEREFORE**, the Parties, by and through their respective counsel, stipulate to
8 a further continuance of the Mandatory Scheduling Conference currently set for August 30,
9 2022 to a date at the Court's convenience on or after October 31, 2022.

10
11 Dated: August 16, 2022

MOORE LAW FIRM, P.C.

12
13 /s/ Tanya E. Moore

14 Tanya E. Moore
15 Attorney for Plaintiff,
16 Darren Gilbert

17 Dated: August 16, 2022

BORTON PETRINI, LLP

18 /s/ Sarah A. Ornelas

19 Sarah A. Ornelas
20 Attorneys for Defendants,
21 Xiping Zhao dba Pacific Market, Gui
22 Shuang Zhu dba Pacific Market, and Chet
23 Cummins
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STIPULATION FOR CONTINUANCE OF MANDATORY SCHEDULING CONFERENCE;
[PROPOSED] ORDER

ORDER

The parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that the Mandatory Scheduling Conference currently set for August 30, 2022, is continued to **November 2, 2022, at 9:30 AM in Courtroom 8 (BAM) before Magistrate Judge Barbara A. McAuliffe**. The parties are to file their Joint Scheduling Report no later than seven days prior to the Mandatory Scheduling Conference.

The parties shall appear at the conference remotely with each party connecting either via Zoom video conference or Zoom telephone number. The parties will be provided with the Zoom ID and password by the Courtroom Deputy prior to the conference. The Zoom ID number and password are confidential and are not to be shared. Appropriate court attire required. If the parties file a notice of settlement or other dispositional documents prior to the conference, then the conference will be vacated.

IT IS SO ORDERED.

Dated: August 17, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE

STIPULATION FOR CONTINUANCE OF MANDATORY SCHEDULING CONFERENCE;
~~PROPOSED~~ ORDER